

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAYSHAUN LAMONT STALEY,)
)
 Plaintiff,)
)
 v.) 1:23-cv-515
)
UNITED STATES OF AMERICA,)
)
 Defendant.)

ORDER

This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on July 7, 2023, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) The Recommendation was served on the Plaintiff on July 7, 2023. (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed without prejudice to Plaintiff filing a civil complaint on the proper Motion for Return of Property forms. Plaintiff filed objections to the Recommendation. (Doc. 4.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions.”

This court has appropriately reviewed the Recommendation and Plaintiff’s objections and has made a de novo determination which is in accord with the Magistrate Judge’s Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a civil complaint, on the proper Motion for Return of Property forms, which corrects the defects cited in the Recommendation.

IT IS FURTHER ORDERED that Plaintiff’s Letter which the court treated as a Motion for Return of Property, (Doc. 1), is **DENIED AS MOOT.**

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 19th day of October, 2023.


United States District Judge